

106TH CONGRESS
2D SESSION

H. R. 4095

To provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Park Preserve in the State of Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2000

Mr. McINNIS introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Park Preserve in the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Great Sand Dunes National Park Act of 2000”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and definitions.

Sec. 3. Establishment of Great Sand Dunes National Park and Great Sand Dunes National Park Preserve, Colorado.

Sec. 4. Administration of national park and park preserve.

Sec. 5. Acquisition of property and boundary adjustments.

Sec. 6. Water rights.

Sec. 7. Advisory council.

Sec. 8. Authorization of appropriations.

1 **SEC. 2. FINDINGS AND DEFINITIONS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The Great Sand Dunes National Monument
4 in the State of Colorado was established by presi-
5 dential proclamation in 1932 to preserve Federal
6 lands containing spectacular and unique sand dunes
7 and additional features of scenic, scientific, and edu-
8 cational interest, including the unique pulse flow
9 characteristics of Sand Creek and Medano Creek
10 which are integral to the existence of the dunes sys-
11 tem.

12 (2) The Great Sand Dunes, together with the
13 associated sand sheet and adjacent wetlands and up-
14 lands, contain a variety of unique ecological, geologi-
15 cal, paleontological, archaeological, scenic, historical,
16 and wildlife components, which are enhanced by the
17 serenity and rural western setting of the area and
18 comprise a setting of irreplaceable national signifi-
19 cance.

20 (3) The Great Sand Dunes and adjacent lands
21 within the Great Sand Dunes National Monument
22 provide extensive opportunities for educational ac-

1 activities, ecological research, and recreational activi-
2 ties, and are publicly used for hiking, camping, and
3 fishing, and for wilderness value, including solitude.

4 (4) Other public and private lands adjacent to
5 the Great Sand Dunes National Monument offer ad-
6 ditional unique geological, hydrological, paleontolog-
7 ical, scenic, scientific, educational, wildlife, and rec-
8 reational resources, and these lands contribute to
9 the protection of the sand sheet associated with the
10 dune mass, the ground water system on which the
11 features of the dunes and the adjacent wetlands rely,
12 and the wildlife, viewshed, and scenic qualities of the
13 Great Sand Dunes National Monument.

14 (5) Some of the private lands described in para-
15 graph (4) contain important portions of the sand
16 dune mass, the associated sand sheet, and unique al-
17 pine environments, which would be threatened by fu-
18 ture development pressures.

19 (6) The designation of a Great Sand Dunes Na-
20 tional Park, which will encompass the Great Sand
21 Dunes National Monument and additional lands, will
22 provide greater long-term protection of the geologi-
23 cal, hydrological, paleontological, scenic, scientific,
24 educational, wildlife, and recreational resources of
25 the area, including the sand sheet associated with

1 the dune mass and the ground water system on
2 which the sand dune and wetlands systems depend,
3 and expanded visitor use opportunities.

4 (7) Lands in and adjacent to the Great Sand
5 Dunes National Monument are—

6 (A) recognized for offering exceptional
7 multiple use opportunities;

8 (B) recognized for offering natural, eco-
9 logical, cultural, scenic, paleontological, wilder-
10 ness, and recreational resources;

11 (C) recognized as being a fragile and irre-
12 placeable ecological system that could be de-
13 stroyed if not carefully protected; and

14 (D) worthy of consideration for additional
15 protection.

16 (8) Designation of certain Federal lands and in-
17 terests therein in the vicinity of the proposed Great
18 Sand Dunes National Park, but outside the bound-
19 aries of the national park, as a park preserve is nec-
20 essary to provide continued game management.

21 (b) DEFINITIONS.—In this Act:

22 (1) ADVISORY COUNCIL.—The term “Advisory
23 Council” means the Great Sand Dunes National
24 Park Advisory Council established under section
25 7(a).

1 (2) NATIONAL PARK.—The term “national
2 park” means the Great Sand Dunes National Park
3 established pursuant to section 3(a).

4 (3) PARK AND PRESERVE MAP.—The term
5 “park and preserve map” means the map entitled
6 “Great Sand Dunes National Park and Preserve”
7 and dated March 17, 2000. The map shall be on file
8 and available for public inspection in the offices of
9 the Department of the Interior.

10 (4) PARK PRESERVE.—The term “park pre-
11 serve” means the Great Sand Dunes National Park
12 Preserve established pursuant to section 3(b) and
13 consisting of Federal lands and interests therein ad-
14 ministered by the National Park Service in the vicin-
15 ity of the national park, but outside the boundaries
16 of the national park.

17 (5) PARK RESOURCES AND PARK VALUES.—The
18 terms “park resources” and “park values” mean the
19 resources and values described in subsection (a), for
20 the protection of which both the national park and
21 the park preserve are established.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

1 **SEC. 3. ESTABLISHMENT OF GREAT SAND DUNES NA-**
2 **TIONAL PARK AND GREAT SAND DUNES NA-**
3 **TIONAL PARK PRESERVE, COLORADO.**

4 (a) ESTABLISHMENT OF NATIONAL PARK.—

5 (1) ESTABLISHMENT AUTHORIZED.—The Sec-
6 retary is authorized to establish the Great Sand
7 Dunes National Park in the State of Colorado, as
8 generally depicted on the park and preserve map, as
9 a unit of the National Park System.

10 (2) ESTABLISHMENT REQUIRED.—Notwith-
11 standing paragraph (1), the Secretary shall establish
12 the national park as soon as the Secretary deter-
13 mines that sufficient lands, with a sufficient diver-
14 sity of resources, have been acquired to warrant des-
15 ignation of the lands as a unit of the national park
16 system. Until the national park is established, the
17 Secretary shall notify the Committee on Energy and
18 Natural Resources of the Senate and the Committee
19 on Resources of the House of Representatives, on an
20 annual basis, of—

21 (A) the Secretary' estimate of the acreage
22 necessary to achieve a sufficient diversity of re-
23 sources to warrant designation of the national
24 park; and

25 (B) the Secretary's progress in acquiring
26 such acreage.

1 (3) INCLUSION OF NATIONAL MONUMENT.—The
2 Secretary shall include the Great Sand Dunes Na-
3 tional Monument in the national park, and any
4 funds available for purposes of the national monu-
5 ment shall be available for purposes of the national
6 park. Upon establishment of the national park, the
7 Great Sand Dunes National Monument is abolished.

8 (b) ESTABLISHMENT OF PARK PRESERVE.—The
9 Secretary is authorized to establish the Great Sand Dunes
10 National Park Preserve in the State of Colorado, as gen-
11 erally depicted on the park and preserve map, as a unit
12 of the National Park System. The Secretary may include
13 in the park preserve those Federal lands adjacent to the
14 national park that can be managed in conjunction with
15 the national park to protect park resources and park val-
16 ues.

17 (c) TRANSFER OF JURISDICTION.—

18 (1) DEPARTMENT OF THE INTERIOR LANDS.—
19 The Secretary shall transfer to the administrative
20 jurisdiction of the National Park Service any lands
21 under the jurisdiction of Department of the Interior
22 that—

23 (A) are depicted on the park and preserve
24 map as being within the boundaries of the na-
25 tional park or park preserve; and

1 (B) are not under the administrative juris-
2 diction of the National Park Service as of the
3 date of the enactment of this Act.

4 (2) FOREST SERVICE LANDS.—The Secretary
5 and the Secretary of Agriculture may—

6 (A) transfer to the administrative jurisdic-
7 tion of the National Park Service those Forest
8 System lands depicted on the park and preserve
9 map that are within the boundaries of the na-
10 tional park or park preserve; and

11 (B) transfer to the administrative jurisdic-
12 tion of the Forest Service any lands depicted on
13 the park and preserve map that are under the
14 jurisdiction of Department of the Interior and
15 are suitable for inclusion in the Rio Grande Na-
16 tional Forest.

17 (3) PUBLIC NOTICE AND INPUT.—The Sec-
18 retary and the Secretary of Agriculture shall ensure
19 that any agreement to transfer lands under para-
20 graph (2) is based upon adequate public notice and
21 input.

22 (d) MAP, LEGAL DESCRIPTION, AND BOUNDARY
23 SURVEY.—As soon as practicable after the establishment
24 of the national park and the park preserve, the Secretary
25 shall file maps and a legal description of the national park

1 and the park preserve with the Committee on Energy and
2 Natural Resources of the Senate and the Committee on
3 Resources of the House of Representatives. The maps and
4 legal description shall have the same force and effect as
5 if included in this Act, except that the Secretary may cor-
6 rect clerical and typographical errors in the legal descrip-
7 tion and maps. The maps and legal description shall be
8 on file and available for public inspection in the appro-
9 priate offices of the National Park Service. As part of the
10 establishment of the national park and the park preserve,
11 and subject to the availability of funds, the Secretary shall
12 complete an official boundary survey of the national park
13 and the park preserve.

14 **SEC. 4. ADMINISTRATION OF NATIONAL PARK AND PARK**
15 **PRESERVE.**

16 (a) **APPLICABILITY OF NATIONAL PARK SYSTEM**
17 **LAWS.**—The Secretary shall administer the national park
18 and the park preserve in accordance with this Act and
19 laws generally applicable to units of the National Park
20 System, including the Act of August 25, 1916 (16 U.S.C.
21 1 et seq.; commonly known as the National Park Service
22 Organic Act), and the Act of August 21, 1935 (16 U.S.C.
23 461 et seq.; commonly known as the Historic Sites, Build-
24 ings, and Antiquities Act).

1 (b) PROTECTION OF HYDROLOGIC REGIME.—In ad-
2 ministering the national park and the park preserve, the
3 Secretary shall protect and maintain the balance in the
4 hydrologic regime necessary for the protection of park re-
5 sources and park values, while minimizing, to the extent
6 consistent with park protection, adverse impacts on adja-
7 cent human and wetland communities.

8 (c) GRAZING.—The Secretary shall authorize the con-
9 tinued grazing of bison on the lands owned or leased by
10 The Nature Conservancy within the boundaries of the na-
11 tional park and the park preserve.

12 (d) HUNTING, FISHING, AND TRAPPING.—

13 (1) GENERAL RULE.—The Secretary shall per-
14 mit hunting, fishing, and trapping on lands and wa-
15 ters within the park preserve in accordance with ap-
16 plicable Federal and State laws, except that the Sec-
17 retary may designate areas where, and establish lim-
18 ited periods when, no hunting, fishing, or trapping
19 will be permitted for reasons of public safety, admin-
20 istration, or compliance with provisions of applicable
21 law.

22 (2) CONSULTATION.—Except in emergencies,
23 regulations closing areas within the park preserve to
24 hunting, fishing, or trapping pursuant to this sub-
25 section shall be put into effect only after consulta-

1 tion with, and the agreement of, the appropriate
2 agency of the State of Colorado having responsibility
3 for fish and wildlife.

4 (3) RULES OF CONSTRUCTION.—Nothing in
5 this Act shall be construed as—

6 (A) affecting the jurisdiction or respon-
7 sibilities of the State of Colorado with respect
8 to fish and wildlife on Federal lands and waters
9 covered by this Act; or

10 (B) as authorizing the Secretary to require
11 a Federal permit to hunt, fish, or trap on Fed-
12 eral lands and waters covered by this Act.

13 (e) CLOSED BASIN DIVISION, SAN LUIS VALLEY
14 PROJECT.—Any features of the Closed Basin Division,
15 San Luis Valley Project, located within the boundaries of
16 the national park or the park preserve, and the operation,
17 maintenance, repair, and replacement of such features,
18 shall not be affected by this Act and shall continue to be
19 the responsibility of, and be operated by, the Bureau of
20 Reclamation in accordance with title I of the Reclamation
21 Project Authorization Act of 1972 (Public Law 92–514;
22 43 U.S.C. 615aaa et seq.).

23 (f) WILDERNESS PROTECTION.—Nothing in this Act
24 shall be construed to change the wilderness designation
25 of any lands within the boundaries of the national park

1 or the park preserve, and all designated wilderness areas
2 within the national park and the park preserve shall re-
3 main subject to the Wilderness Act (43 U.S.C. 1131 et
4 seq.).

5 (g) WITHDRAWAL.—Subject to valid existing rights,
6 all Federal lands depicted on the park and preserve map
7 as within the boundaries of the national park or the park
8 preserve are withdrawn, effective on the date of the enact-
9 ment of this Act, from all forms of entry, appropriation,
10 or disposal under the public land laws, from location,
11 entry, and patent under the mining laws, and from dis-
12 position under all laws relating to mineral and geothermal
13 leasing.

14 **SEC. 5. ACQUISITION OF PROPERTY AND BOUNDARY AD-**
15 **JUSTMENTS.**

16 (a) ACQUISITION AUTHORITY.—The Secretary may
17 acquire non-Federal land and water or interests therein
18 for inclusion in the national park or the park preserve.
19 The lands that may be acquired include land and water,
20 or interests therein, owned by the State of Colorado and
21 other lands depicted on the park and preserve map as suit-
22 able for acquisition by the Secretary for inclusion in the
23 park or the park preserve. Once the national park and
24 the park preserve are established, lands or interests there-
25 in acquired under this subsection shall be automatically

1 included within the national park or the park preserve and
2 the boundary adjusted accordingly.

3 (b) LUIS MARIA BACA GRANT NO. 4.—

4 (1) ACQUISITION AUTHORITY.—The Secretary
5 may negotiate for and acquire all or appropriate
6 parts of the Luis Maria Baca Grant No. 4, as de-
7 picted on the park and preserve map.

8 (2) TREATMENT OF ACQUIRED LAND.—

9 (A) FISH AND WILDLIFE ADMINISTRA-
10 TION.—In the case of those portions of the Luis
11 Maria Baca Grant No. 4 acquired under para-
12 graph (1) that are depicted in Zone A of the
13 park and preserve map, the Secretary, acting
14 through the United States Fish and Wildlife
15 Service, shall administer the acquired lands for
16 the conservation of fish and wildlife as a unit
17 of the National Wildlife Refuge System.

18 (B) FOREST SERVICE ADMINISTRATION.—

19 In the case of those portions of the Luis Maria
20 Baca Grant No. 4 acquired under paragraph
21 (1) that are depicted in Zone B of the park and
22 preserve map, the Secretary may transfer the
23 acquired lands to the administrative jurisdiction
24 of the Forest Service, as provided in section
25 3(c), for management consistent with the pur-

1 poses of this Act. For purposes of section 7 of
2 the Land and Water Conservation Fund Act of
3 1965 (16 U.S.C. 4601–9), the boundaries of the
4 Rio Grande National Forest, as revised by the
5 transfer of land under this paragraph or section
6 3(c), shall be considered to be the boundaries of
7 the national forest.

8 (C) INCLUSION IN NATIONAL PARK.—The
9 Secretary shall include in the national park all
10 portions of the Luis Maria Baca Grant No. 4
11 acquired under paragraph (1) and not covered
12 by subparagraph (A) or transferred under sub-
13 paragraph (B).

14 (c) AUTHORIZED METHODS OF ACQUISITION.—Land
15 and water or interests therein may be acquired under this
16 section by donation, purchase from willing sellers with do-
17 nated or appropriated funds, or exchange.

18 (d) ADMINISTRATION.—The Secretary shall admin-
19 ister non-Federal land, water, or interests therein acquired
20 under this section pursuant to section 4, except in the case
21 of land described in the second sentence of subsection
22 (b)(2).

23 (e) HUNTING, FISHING, AND TRAPPING ON NON-
24 FEDERAL LANDS.—

1 (1) NO PROHIBITION.—The Secretary shall not
2 prohibit hunting, fishing, or trapping on non-Federal
3 lands located within the boundaries of the national
4 park.

5 (2) TERMINATION OF AUTHORITY.—On the
6 date that the United States acquires fee ownership
7 of a parcel of non-Federal land described in para-
8 graph (1), the restriction under such paragraph
9 shall terminate with respect to the parcel.

10 **SEC. 6. WATER RIGHTS.**

11 (a) SAN LUIS VALLEY PROTECTION, COLORADO.—
12 Section 1501(a)(3) of the Reclamation Projects Author-
13 ization and Adjustment Act of 1992 (Public Law 102–
14 575; 106 Stat. 4663) is amended by striking “Colorado.”
15 and inserting “the Great Sands Dunes National Park, the
16 Great Sand Dunes Park Preserve, and any Federal lands
17 adjacent thereto, including purposes related to all water,
18 water rights, and water-dependent resources within the
19 park and the park preserve.”.

20 (b) EFFECT ON WATER RIGHTS.—

21 (1) IN GENERAL.—Subject to the amendment
22 made by subsection (a), nothing in this Act shall—

23 (A) prohibit the Secretary from appro-
24 priating and adjudicating water rights pursuant
25 to the procedural requirements of the laws of

1 the State of Colorado as necessary to fulfill the
2 purposes of this Act; or

3 (B) affect any vested absolute or decreed
4 conditional water rights in existence before the
5 date of the enactment of this Act, including any
6 water rights held by the United States.

7 (2) STUDY.—The Secretary shall conduct a
8 study of the hydrologic regime to identify options for
9 managing or changing the use of those water rights
10 referred to in paragraph (1) so as to minimize ad-
11 verse effects down stream.

12 (c) TREATMENT OF NATIONAL MONUMENT WATER
13 RIGHTS.—To the extent water rights have been estab-
14 lished or acquired by the United States for the Great Sand
15 Dunes National Monument, the water rights shall be con-
16 sidered of equal use and value for the Great Sand Dunes
17 National Park and shall retain their priority and purpose
18 when included in the national park.

19 (d) WATER RIGHTS AND WATER RESOURCES ON
20 LUIS MARIA BACA GRANT NO. 4.—If and to the extent
21 the Luis Maria Baca Grant No. 4 is acquired by the
22 United States—

23 (1) any water rights and water resources associ-
24 ated with the Luis Maria Baca Grant No. 4 shall be
25 restricted for use—

1 (A) only within the national park or park
2 preserve or in the immediately surrounding
3 areas of Alamosa or Saguache Counties, Colo-
4 rado; and

5 (B) only for purposes that protect park re-
6 sources and park values, fish and wildlife pur-
7 poses, or the historical irrigation use; and

8 (2) the use of those water rights shall not be
9 changed without complying with the requirements of
10 the laws of the State of Colorado.

11 (e) PROTECTION OF WATER RESOURCES.—The Sec-
12 retary shall take such actions as are within the scope of
13 the Secretary’s authority to ensure that any new or addi-
14 tional water development in the San Luis Valley aquifers
15 is consistent with the protection and maintenance of the
16 hydrologic balance necessary for preservation of park re-
17 sources and park values.

18 **SEC. 7. ADVISORY COUNCIL.**

19 (a) ESTABLISHMENT.—The Secretary shall establish
20 an advisory council to be known as the “Great Sand
21 Dunes National Park Advisory Council”.

22 (b) DUTY.—The Advisory Council shall advise the
23 Secretary with respect to preparation and implementation
24 of a management plan for the national park and the park
25 preserve.

1 (c) APPLICABLE LAW.—The Advisory Council shall
2 be subject to the following:

3 (1) The Federal Advisory Committee Act (5
4 U.S.C. App.).

5 (2) The Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1701 et seq.).

7 (d) MEMBERS.—The Advisory Council shall consist
8 of 10 members, to be appointed by the Secretary, as fol-
9 lows:

10 (1) A member of, or nominated by, the Alamosa
11 County Commission.

12 (2) A member of, or nominated by, the
13 Saguache County Commission.

14 (3) A member of, or nominated by, the Friends
15 of the Dunes Organization.

16 (4) 7 members residing in, or within reasonable
17 proximity to, the San Luis Valley who have recog-
18 nized backgrounds reflecting—

19 (A) the purposes for which the national
20 park and the park preserve were established;
21 and

22 (B) the interests of persons who will be af-
23 fected by the planning and management of the
24 national park and the park preserve.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

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